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Letter dated 6 March 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Yemen, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

Note verbale dated 4 March 2002 from the Permanent Representative of Yemen to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Representative of the Republic of Yemen to the United Nations presents his compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and has the honour to enclose herewith the report by the Government of Yemen concerning the steps undertaken to implement the resolution (see enclosure).

Enclosure

[Original: Arabic]

Report submitted by Yemen to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001

Since the concept of terrorism has not yet been defined and inasmuch as Security Council resolution 1373 (2001) of 28 September 2001 did not incorporate a definition of the concept of terrorism, the preparation of this report is based on the commitments binding upon the Republic of Yemen under the 1998 Arab Convention on the Suppression of Terrorism, which draws a distinction between terrorism and legitimate struggle against foreign occupation, the international conventions relating to the combating of terrorism that have been ratified by the Republic of Yemen, and Security Council resolution 1333 (2000).

Question 1 (a)

What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1 (b) to (d)?

Response to question 1 (a)

At its meeting of 2 January 2002, the Council of Ministers issued instructions to the Deputy Prime Minister, the Minister of Finance and the Governor of the Central Bank regarding the necessity of taking all possible measures relating to financial transactions that might be linked to the financing of terrorism and, accordingly, of monitoring and increased oversight of banks operating in Yemen.

Question 1 (b)

What are the offences and penalties in your country with respect to the activities listed in this subparagraph?

Response to question 1 (b)

Act No. 1 of 2001 regulates the establishment and activities of domestic associations and institutions. It imposes government monitoring over their establishment, resources and activities, as well as contributions, gifts and aid received by them. These require prior approval following verification of the legal source. Act No. 1 of 2001 concerning domestic associations and institutions lays down the penalties that apply in the event of contravention of its provisions.

Question 1 (c)

What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.

Response to question 1 (c)

The Banking Act gives the Central Bank the right to freeze deposits in private banks and financial institutions if they act in any way dishonestly or in contravention of the laws in force. The Council of Ministers recently reaffirmed and strengthened these provisions and made it incumbent on the Ministry of Finance and the Central Bank to implement them.

Question 1 (d)

What measures exist to prohibit the activities listed in this subparagraph?

Response to question 1 (d)

Act No. 1 of 2001 concerning domestic associations and institutions lays down severe penalties in cases where such bodies contravene the terms and provisions of this Act.

Act No. 12 of 1994 concerning the Criminal and Penal Code imposes severe penalties on domestic associations and institutions if they fail to operate in accordance with the purposes and functions for which they were established or if their resources are exploited for activities contrary to the laws in force.

Question 2 (a)

What legislation or other measures are in place to give effect to this subparagraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

Response to question 2 (a)

Article 36 of the Constitution of the Republic of Yemen provides as follows: "The State is the authority that establishes the armed forces, the police, the security forces and any other forces. Such forces belong to the people as a whole, and no body, individual, group, organization or political party may establish forces or military or paramilitary formations for any purpose and under any name whatsoever. The Ministry of Defence is the body legally authorized to recruit individuals".

Question 2 (b)

What other steps are being taken to prevent the commission of terrorist acts and, in particular, what early warning mechanisms exist to allow exchange of information with other States?

Response to question 2 (b)

The Republic of Yemen has long accorded particular attention to the combating of terrorism. It has signed and ratified nine international conventions relating to terrorism, and the Government has approved three other international conventions and is in the process of completing the relevant constitutional procedures. It has also signed and ratified bilateral security agreements with Saudi Arabia, Egypt, Djibouti and Tunisia and has ratified the Arab Convention on the

Suppression of Terrorism and the Convention of the Organization of the Islamic Conference on Combating International Terrorism.

Yemen is striving with all its available means and capacity to suppress any terrorist activities or acts by establishing a special police force for this purpose, providing it with the resources available and supplying airports and seaports with automated monitoring to assist in the detection of such acts.

Question 2 (c)

What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this subparagraph? It would be helpful if States supplied examples of any relevant action taken.

Response to question 2 (c)

Article 3 of Act No. 47 of 1991 concerning entry and sojourn of aliens, the Decree for the implementation of which was issued as No. 4 of 1994, states that no persons may enter except with prior permission and provided that they are not included in the list of prohibited persons and that non-Yemenis are not allowed entry into Yemeni territory without having first obtained a visa in their country of origin. The Act states further that Yemen shall not provide a safe haven for terrorists or for any person who commits, finances or supports terrorist acts.

Question 2 (d)

What legislation or procedures exist to prevent terrorists acting from your territory against other States or citizens? It would be helpful if States supplied examples of any relevant action taken.

Response to question 2 (d)

Act No. 24 of 1998 was promulgated concerning the combating of the offences of kidnapping and armed interception. Yemen has also ratified and acceded to a number of bilateral and international security instruments with a number of States that prohibit the use of the territory of any party against another party or against the citizens of that State.

Question 2 (e)

What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.

Response to question 2 (e)

This question is partly answered in the reply to question 2 (d). On the basis of Act No. 24 of 1998, a number of perpetrators of terrorist acts have been sentenced and the competent courts have handed down sentences of death or imprisonment.

Question 2 (f)

What procedures and mechanisms are in place to assist other States? Please provide any available details of how these have been used in practice.

Response to question 2 (f)

A number of regional, international and bilateral instruments have been concluded that lay down the procedures and mechanisms afforded by Yemen to States parties.

Question 2 (g)

How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery, etc.?

Response to question 2 (g)

The Immigration and Passports Department, an agency of the Ministry of the Interior, in cooperation with the other security services coming under the Ministry of the Interior and with the other security agencies, monitors the land, air and sea border access points, and their procedures prevent any movement of terrorists or terrorist groups from or to Yemeni territory. The Ministry of the Interior is currently adopting measures for the implementation of the decision of the National Defence Council to establish a special border force. It has also taken measures to prohibit the forgery or falsification of identification papers and travel documents.

Question 3 (a)

What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this subparagraph?

Response to question 3 (a)

The international, regional and bilateral instruments to which our country is a party — the Arab Convention on the Suppression of Terrorism and the Convention of the Organization of the Islamic Conference on Combating International Terrorism and bilateral agreements — provide for the exchange of information in this field.

Question 3 (b)

What steps have been taken to exchange information and cooperate in the areas indicated in this subparagraph?

Response to question 3 (b)

Please refer to the response to question 3 (a).

Question 3 (c)

What steps have been taken to cooperate in the areas indicated in this subparagraph?

Response to question 3 (c)

The international, regional and bilateral instruments provide for the exchange of information within the framework of our country's obligations thereunder. The competent authorities engage in the exchange of information with the countries with which bilateral agreements on this subject have been signed.

Question 3 (d)

What are your Government's intentions regarding signing and/or ratifying the conventions and protocols referred to this subparagraph?

Response to question 3 (d)

Our country has ratified the following nine international instruments:

1. Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 14 September 1963), ratified on 25 August 1986;

2. Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 16 December 1970), ratified on 15 March 1983;

3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 23 September 1971), ratified on 19 May 1998;

4. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (Montreal, 24 February 1988), ratified on 20 May 2000;

5. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 14 December 1973), ratified on 21 December 1986;

6. International Convention against the Taking of Hostages (New York, 17 December 1979), ratified on 20 May 2000;

7. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, 10 March 1988), ratified on 20 May 2000;

8. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Rome, 10 March 1988), ratified on 20 May 2000;

9. International Convention for the Suppression of Terrorist Bombings (New York, 15 December 1997), ratified on 4 December 2000.

Furthermore, at the thirty-ninth ordinary session of the Council of Ministers on 2 October 2001, the Government of the Republic of Yemen approved accession to three other international conventions relating to terrorism, by the following decrees:

- Decree No. 281 approving accession to the International Convention for the Suppression of the Financing of Terrorism (New York, 9 December 1999);
- Decree No. 282 approving accession to the International Convention n the Physical Protection of Nuclear Material (New York and Vienna, 3 March 1980);

- Decree No. 283 approving accession to the International Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1 March 1991).

The Council of Ministers also approved, by Decree No. 284 of 2001, the text of Security Council resolution 1373 (2001).

Question 3 (e)

Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this subparagraph.

Response to question 3 (e)

The Republic of Yemen is committed to implementing the provisions of the instruments to which it is a party.

Question 3 (f)

What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status? Please supply examples of any relevant cases.

Response to question 3 (f)

The issue of refugees is dealt with in Yemen through cooperation between the Ministry of the Interior and the Office of the United Nations High Commissioner for Refugees (UNHCR) on the basis of each case and the criteria established by UNHCR for the granting of refugee status under the 1951 Convention and the 1967 Protocol.

Question 3 (g)

What procedures are in place to prevent the abuse of refugee status by terrorists?

Response to question 3 (g)

Republic of Yemen grants the right of asylum to persons who are eligible for it under the 1951 Geneva Convention and the 1967 Protocol.

Yemen has also concluded bilateral security agreements providing for the refusal of the right of asylum to persons who engage in terrorist activities.